

31 MAR 2008

United States Patent and Trademark Office



Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LICATA & TYRRELL P.C.
66 E. MAIN STREET
MARLTON NJ 08053

In re Application of
Sweeney et al.
Application No.: 10/566,796
PCT No.: PCT/US04/24718
Int. Filing Date: 30 July 2004
Priority Date: 01 August 2003
Attorney Docket No.: PENN0870US.NP
For: Bowman-Birk Inhibitor Compositions For Treatment :
Of Muscular Atrophy And Degenerative Muscle Disease

DECISION

This is in response to the "Response to Decision" mailed on 09 October 2007.

DISCUSSION

In a Decision mailed on 28 September 2007, the declaration of inventorship filed on 09 November 2006 was not accepted, without prejudice, because "it appears to have been assembled by adding a second page 3 of 4 to the document... The declaration is also defective in view of the un-initialed alterations to the page signed by Mr. Morris."

In response, applicants have filed a new declaration document. However, this declaration is defective because it includes an un-initialed alteration to the ZIP code portion of Ann R. Kennedy's residential address.

The Decision mailed on 28 September 2007 set a period for response as follows:

If reconsideration on the merits of this matter is desired, a proper response must be filed within **ONE (1) MONTH** from the mail date of this decision. Extensions of time may NOT be obtained under 37 CFR 1.136(a). Failure to timely file a proper response (specifically, an acceptable oath or declaration) will result in **ABANDONMENT**.

This period for response is analogous to that which would have been set in a Notification of Defective Response (Form PCT/DO/EO/916). Since applicant did not file an acceptable oath or declaration in compliance with 37 CFR 1.497(a) and (b) within the period for response, this international application stands **ABANDONED** with respect to the national stage in the United States.

DECISION

The declaration is **NOT ACCEPTED**, without prejudice.

This international application stands **ABANDONED** with respect to the national stage in the United States.

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the Office of PCT Legal Administration.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459